

7-41B. Noncompliance Penalty: Agency Representation in Hearings and Signing of Consent Agreements (1200 TN 350 7-41B)**1. AUTHORITY.**

- a. To represent EPA in civil penalty adjudications conducted under the noncompliance penalty section, Section 120(a) of the Clean Air Act (CAA) and 5 U.S.C. Section 554;
- b. To negotiate consent agreements between the Agency and respondents resulting from such enforcement actions;
- c. To initiate an appeal from an administrative determination; and
- d. To represent the agency in such appeals.

2. TO WHOM DELEGATED.

- a. The authority in 1.a. and 1.d. is delegated to the Regional Counsel (RC) and attorneys in the Office of Regional Counsel.
- b. The authority in 1.b. is delegated to the RC and to the Director, Enforcement and Compliance Assurance Division (ECAD).

3. LIMITATIONS.

- a. Only the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) may exercise the authority to initiate appeals.
- b. The AA/OECA must notify any affected Regional Administrator (RA) before an appeal is initiated.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the branch chief level and no further. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Section 120 of the CAA.

6. SUPERSESSSION. Delegations Manual, CAA, Regional Delegation 7-41-B. Noncompliance Penalty: Agency Representation in Hearings and Signing of Consent Agreements, 1200 TN RIII 195 (April 27, 2017).Date: APR 15 2019

Cosmo Servidio
Regional Administrator